

REMARKS

The Examiner's Office Action has been reviewed. The Examiner has rejected Claims 1 and 5 "under 35 U.S.C. 112 as being indefinite." This rejection is well taken. Applicant has amended Claims 1 and 5 at line 26 to change "support piece" to "support bracket" and has amended the specification on Page 17, Line 9 in similar fashion to overcome an obvious typographical error.

The Examiner has then rejected Claims 1 - 5 "under the judicially created doctrine of obviousness-type double patenting". This rejection is deemed overcome by the terminal disclaimer submitted herewith.

The Examiner has then rejected Claims 1 - 5 "under 35 U.S.C. 103(a) as being unpatentable over Baker (3,913,440) in view of Castleton (4,598,482) and Volk (4,608,898)." This rejection is traversed. Although there are similarities between applicant's invention and the prior art as exemplified by Baker, Castleton and Volk, there are also significant differences. With greater specificity, please refer to Figures 7A of Castleton and Figure 8 of the present application. Both inventions are shown performing miter cuts in these figures. The two figures demonstrate the drastic differences in the form of the inventions when viewed from the same direction, i.e. viewed from above as the saw is in use. The comparison is important because the Examiner has

confused "horizontal" and "vertical" components of the two inventions in formulating the rejection.

Please refer to Figure 2A of Castleton, in which two angles "A" and "B" are indicated. The Examiner has referred to angle "A" in the rejection. However, it is apparent from the preceding paragraph that there is no such angle in Figure 8 of the present application. In fact, miter cuts as shown in our Figure 8 are achieved using entirely different structure from that taught by Castleton.

It is possible that the Examiner may reject by referring to Figure 2C of Castleton which is somewhat similar to Figure 15 of the present application. It would be argued that Castleton makes no attempt to teach the use of a cut line indicator as shown by Item 142 of Figure 15. Claims 3 and 4 of the present application clearly describe extension of the first and second ends of the top piece relative to the cutting guide, thus producing a cut line indicator for square cuts and another for bevel cuts, while also providing support for the workpiece at the cutting line, which Castleton does not teach. The purpose of the angles shown in Figure 2C of Castleton is merely to facilitate marking rafters at the correct angle for cutting.

Baker discloses a saw guide that is primarily used for square cross cuts. An attachment permits its use for miter cuts, as in forming the corners of a picture frame. Baker does not

disclose any means of cutting bevels, where the circular saw blade is set at an angle to the vertical. In rejecting the present application, the Examiner states that Baker's stop piece could be modified by applying Castleton. There are two possible interpretations of this part of the rejection. The first is that the Examiner intended to apply Castleton to miter cuts, the rejection is without merit. In the present invention, miter are achieved entirely differently from both Castleton and Baker. This is explained in the paragraphs above. Second, if the Examiner intended to apply Castleton to bevel cuts, the rejection is again without merit. Neither Castleton nor Baker discloses an extended stop piece having a second end cut at an acute angle. The extension to the second end of the stop piece is an essential feature of the present invention. It provides both a means of indicating exactly where the bevel cut will taken place, thus assuring accurate positioning of the workpiece prior to cutting, and it supports the workpiece against cutting forces generated by the circular saw blade.

The Examiner's rejection based upon Volk is not well taken. Essentially, Volk teaches the use of a locator tab 38 that aligns the invention with one vertical edge of the workpiece. The support bracket 36 in the present invention provides alignment with the upper horizontal surface of the workpiece and presents

the workpiece from tipping to one side or the other during cutting.

It is urged that the Examiner made an error in Paragraph 6 of the rejection. The Examiner's statement "Volk discloses the . . . including a stop piece 18, a cutting guide 11' . . ." cannot be understood unless the word "Baker" is substituted for "Volk." Referring to Figure 1 of Baker, the stop piece and cutting guide are numbered 18 and 11 respectively. The following comments are therefore made with reference to Baker rather than Volk. The present invention, taken as a whole, makes several functional improvements over Baker, including (a) the capability to secure both the workbench holder system and the workpiece when used in conjunction with a portable workbench, thus providing a safe, stable environment in which to operate a portable circular saw, which Baker does not; (b) a more effective structure for producing accurately positioned miter cuts because the cut line indicator is functional in this cutting mode, while in Baker it is not; and (c) the capability to produce bevel and compound cuts, which Baker does not.

Based on the above, it is urged that the presnet invention includes the alternative configuration of the stop piece, as illustrated in Figures 12 through 15, which is a new and useful and unobvious addition to the existing patent as well as a substantial improvement over the prior art.

In summary, then, it is deemed that the Examiner's prior art, whether taken alone or in any possible combination fails to show the specifically claimed stop piece and cutting guide adjacent the first end and support bracket adjacent the second end with horizontal and vertical legs as specifically set forth in all the claims. The prior art, whether taken alone or in combination, still fails to disclose these aspects of the present invention.

It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching for their combination. The only teaching is in applicant's disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the resulting structure would still fail to anticipate applicant's invention for the reasons set forth herein above.

It is deemed that the amendments herein overcome all grounds of objection and rejection. Reconsideration and a Notice of Allowance are requested.